IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 14995 of 2007(I)

PETITIONER:

M.M. RAJEEV, S/O. MADHAVAN,
AGED 41 YEARS, MULAKKEKUDI HOUSE,
CHERUKUNNAM KARA, ASAMANNOOR VILLAGE,
KUNNATHUNADU TALUK, ERNAKULAM DIST.

BY ADV. SRI.SIRAJ KAROLY

RESPONDENTS:

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1. THE VILLAGE OFFICER,
PERUMBAVOOR VILLAGE, PERUMBAVOOR P.O.

2. THE TALUK TAHSILDAR,
KUNNATHUNADU TALUK, TALUK OFFICE, PERUMBAVOOR.

3. THE SUB INSPECTOR OF POLICE,
PERUMBAVOOR.

4. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, REVENUE DIVISIONAL OFFICE,
P.O. MUVATTUPUZHA.

5. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION, P.O. KAKKANAD.

6. THE SECRETARY,
PERUMBAVOOR MUNICIPALITY, MUNICIPAL OFFICE,
PERUMBAVOOR.

BY GOVERNMENT PLEADER SRI. M.R. SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE TITLE DEED OF THE PROPERTY

EXT.P2- A TRUE COPY OF THE TAX RECEIPT OF THE PROPERTY DATED 22.3.2007

EXT.P3- A TRUE COPY OF THE PHOTOGRAPHS SHOWING THE LIE OF THE PROPERTY

EXT.P4- A TRUE COPY OF THE REPRESENTATION DATED 3.5.07 TO THE RESPONDENTS 1, 2 AND 4.

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C).14995/2007

Dated this the 27th day of November, 2007

JUDGMENT

Petitioner prays for a direction to the respodents not to interfere with the development of the petitioner's property covered by Exts.P1 and P2. It is submitted by the petitioner that the clay from the land has already been mined and that the land, as it now remains, cannot be used for any agricultural purposes. For this reason petitioner wants to fill up the land and make it cultivable and it is for that purpose petitioner has submitted Ext.P4 application before the first respondent.

2. Counter affidavit filed on behalf of the second respondent would show that the land in question was a paddy land for sometime back in the past and that on account of clay mining, it is now water logged and marshy and in some places it is about six feet deep. According to the respondent, it cannot be used for any cultivation as at present.

3. In these circumstances, petitioner is eminently justified in arguing for an order permitting him to develop the land to make it cultivable and therefore, the request made in Ext.P4 seems to be a genuine one requiring consideration.

4. Accordingly, I dispose of this writ petition directing that the fourth respondent shall take up and consider Ext.P4 application made by the petitioner and pass orders thereon, as expeditiously as possible at any rate, within six weeks from the date of production of a copy of this judgment. Before any final decision is taken in the matter, petitioner shall also be given notice in this regard.

ANTONY DOMINIC
Judge

mrcs